

RESOLUTION NO. 2007 - 128

**A RESOLUTION OF THE
GALLATIN COUNTY COMMISSION
TO ADOPT TRANSPORTATION INFRASTRUCTURE IMPROVEMENT
POLICIES
AND
TO INITIATE AMENDMENTS TO THE
THE GALLATIN COUNTY SUBDIVISION REGULATIONS TO IMPLEMENT
SAID POLICIES**

This resolution was introduced by the Gallatin County Planning Department. Moved by Commissioner WHITE, and seconded by Commissioner SKINNER.
The resolution was adopted 2:0. COMMISSIONER MURDOCK WAS EXCUSED.

WHEREAS, the unincorporated areas of Gallatin County continue to see significant growth, subdivision development, and increased impacts to the County road system, the County Commission realizes a need to formulate policies to address issues related to the development of adequate transportation infrastructure; and

WHEREAS, the attached policy statements are intended to provide guidance to staff and the development community regarding the creation of specific transportation infrastructure related programs; and

WHEREAS, these programs implement the Gallatin County Growth Policy, particularly the goal to "provide a safe and efficient transportation system." (Growth Policy, § 3.12), and the 2001 Greater Bozeman Area Transportation Plan; and

WHEREAS, the Gallatin County Subdivision Regulations were adopted on February 26, 1975, and amended thereafter; and

WHEREAS, Section 13.B.(1), Amendments to Subdivision Regulations, of the Gallatin County Subdivision Regulations provides that for the purpose of providing for the public health, safety, and general welfare, Commission may amend the provisions of the Subdivision Regulations; and

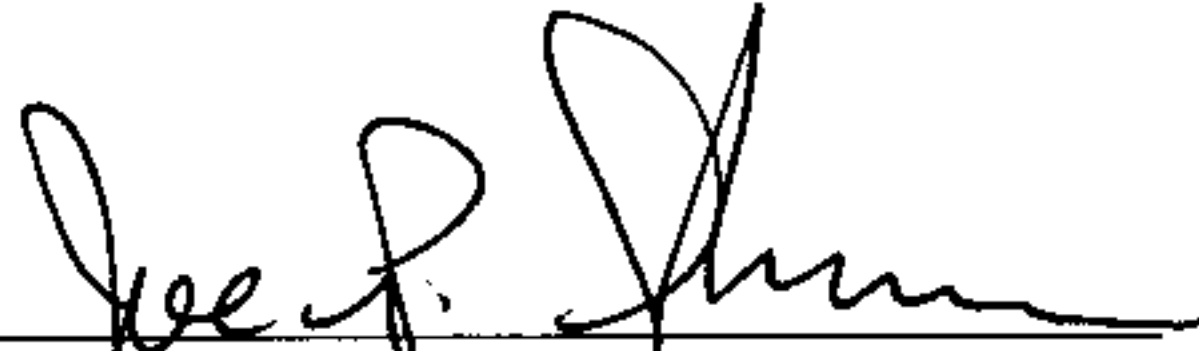
WHEREAS, the Gallatin County Commission recognizes that amendments to the Subdivision Regulations are necessary to implement the Gallatin County Growth Policy and the 2001 Greater Bozeman Area Transportation Plan, and to carry out the purpose of the Gallatin County Subdivision Regulations; and

NOW, THEREFORE, BE IT RESOLVED:

The Gallatin County Commission adopts the attached Transportation Infrastructure Improvement Policies, and directs the Gallatin County Planning Department to prepare amendments to the Gallatin County Subdivision Regulations, pertaining to the Transportation Infrastructure Improvement Policies.

Dated this 17 th day of October, 2007.

BOARD OF COUNTY COMMISSIONERS OF GALLATIN COUNTY



Joe P. Skinner, Chairman



Steve White, Member

EXCUSED.

William A. Murdock, Member

ATTEST:


Charlotte Mills, Clerk & Recorder

Gallatin County
Transportation Infrastructure Improvement Policies
October 17, 2007

As the unincorporated areas of Gallatin County continue to see significant growth, subdivision development, and increased impacts to the County road system, the County Commission realizes a need to formulate policies to address a myriad of ongoing issues related to the development of adequate transportation infrastructure. This set of policy statements is intended to provide guidance to staff and the development community regarding the creation of specific transportation infrastructure related programs.

These programs implement the Gallatin County Growth Policy, particularly the goal to “provide a safe and efficient transportation system.” (Growth Policy, § 3.12). While the Growth Policy states this policy can be achieved “most effectively through the development of a comprehensive county transportation plan,” a comprehensive countywide transportation plan is not feasible at this time. The County Commission has adopted the 2001 Greater Bozeman Area Transportation Plan (TransPlan) in the fall of 2005 as an amendment to the Growth Policy and is currently in the process of updating the TransPlan, to be completed during 2008. These policies and programs are a supplement to the current TransPlan.

The programs and policies include the following: (i) a fair and equitable process for determining the level of off-site improvements required of a developer undergoing subdivision review; (ii) refinement of the standards for improvement of County roads at the time of subdivision review; (iii) creation of a requirement for subdividers to provide Traffic Impact Studies (TIS) and the provision of specific criteria for the contents of a TIS, including peer review; (iv) creation of a Proportional Reimbursement program to provide a mechanism for subdividers who are required to improve significant sections of the County road system during subdivision review to be reimbursed by subsequent subdividers accessing the same roads; and (v) a program to include reduction in required off-site improvements as an incentive for a subdivider’s participation in a county-wide Transfer/Purchase of Development Rights/Credits program.

Each of the above program components are explained below. Each program contains a brief statement on the underlying rationale behind the policy, issues of concern, and implementation strategies.

Required Off-Site Improvements:

The Commission desires to create an equitable and fair method for determining the amount of off-site transportation infrastructure improvements required of a subdivider. Currently, if the proposed subdivision occurs on a gravel County road where the current trips per day exceeds 100, or where the subdivision will add trips per day and the cumulative number of all trips is greater than 100, the subdivider is required to improve the County road to a paved standard from existing pavement to the point where the interior subdivision roads connect to the County road or to the farthest edge of the subdivision. In some cases, subdividers have argued the cost of

improving the County road to a paved standard is not proportional to the impacts created by the subdivision. Despite these arguments, as part of subdivision review, the Commission must consider a subdivision's impacts to offsite transportation infrastructure under the primary criteria of public health and safety and impacts to local services.

As a possible solution, the Commission desires to amend the Subdivision Regulations to include provisions that will continue with a fixed standard for the level of impacts to County transportation infrastructure above which improvements to identified infrastructure are required. Currently, this standard is set at 100 trips per day. The Commission desires to also include an alternative mechanism for determining the required improvements wherein a subdivider identifies the level of impacts through a specific TIS (*see below*) and the subdivider proposes to the Commission specific mitigation techniques in lieu of the fixed standard.

This procedure would be adopted through amendments to the Subdivision Regulations. The amendments may contain specific items the mitigation strategies must address and contain a statement as to whether the subdivider agrees to those strategies.

Design Standards for Development of Public Transportation Infrastructure:

As stated above, a primary goal of the Growth Policy is to “provide a safe and efficient transportation system.” (Growth Policy, § 3.12). A strategy to implement this goal is to “promote multi-modal transportation opportunities.” The primary means of achieving this strategy is by incorporating transportation design standards called for in the TransPlan directly into the Subdivision Regulations.

Recently, the Commission has been requiring subdividers to improve certain roads identified in the TransPlan to those design standards identified in the TransPlan. The TransPlan's design standards are not the same as the basic County design standard identified in the Subdivision Regulations. Therefore, based on a need to implement the TransPlan and provide an adequate and efficient transportation infrastructure, and the Commission's policy to conserve public costs associated with road improvements whenever possible, the Commission desires to include the design standards identified in the TransPlan in the Subdivision Regulations. These standards would apply to all collectors, minor arterials, and major arterials.

Roads outside of the area covered by the TransPlan would not be subject to these standards but would be subject to the current County design standard identified in the Subdivision Regulations.

During the course of developing the Growth Policy Implementation Program (GPIP), the Commission and staff have had conversations with elected and appointed officials from the cities of Bozeman, Belgrade, and Three Forks as well as the town of Manhattan to discuss the concept of tiered development standards. Subdivisions in the County within close proximity to a municipality would be required to abide by the design standards of the adjacent municipality for things such as roads.

These design standards would be implemented through specific amendments to the Subdivision Regulations, particularly § 7.

Traffic Impact Studies, Peer Review and Submittal Requirements:

In order to mitigate the impacts a subdivision has on the County road system, the impacts must first be identified according to standardized methodology. Currently, for a major subdivision, the Subdivision Regulations (§ 9.F.4) merely requires a discussion of the daily traffic the subdivision will generate on roads, a discussion of the capacity of existing roads to safely handle increased traffic, and other issues related to access and maintenance.

While many major subdivisions do contain detailed Traffic Impact Studies (TIS) as part of their subdivision application, the Subdivision Regulations do not contain specific criteria or methodology nor do the regulations contain requirements for an applicant to include conclusions and recommendations on mitigation acceptable to the subdivider. The Commission believes these recommendations to be critical to identifying fair and reasonable mitigation requirements.

In addition, the Subdivision Regulations do not contain a standard for independent peer review of a TISs. The Commission considers independent peer review of a TIS to be a critical step in determining the extent of required offsite exactions. Without a detailed analysis, it is difficult to determine the nature and extent of the impacts associated with a specific subdivision. In addition, a detailed TIS should be required because the Commission desires to ensure all subdividers are treated equally, and that all required offsite improvements are proportional to the impacts of the proposed development. Most importantly, the Commission desires to ensure those causing the impacts to the County road system adequately mitigate those impacts.

An independent contractor hired by the County will conduct peer review. Subdividers will be required to pay a fee for peer review directly to the County. Opportunities to rebut the findings of the peer review will be available to the subdivider.

First minor subdivision is exempt from the requirement to prepare an Environmental Assessment, and therefore are exempt from the requirements of §9 of the Subdivision Regulations. Yet minor subdivisions must still, pursuant to state law, prepare a “summary of the probable impacts” related to the primary subdivision review criteria, including the impact of a subdivision on local services (i.e. County transportation infrastructure). For first minor subdivisions, the Commission desires to require a limited form of traffic study, including reduced criteria and simplified methodology.

Because the level of offsite improvements required of a subdivision must be identified and required at the time of preliminary plat approval, and to ensure adequate time for staff evaluation and the crafting of conditions of approval, the Commission will require a TIS to be conducted and peer reviewed prior to submittal of a preliminary plat application.

These provisions would be implemented through amendments to the Subdivision Regulations, particularly § 7.

Proportional Reimbursement:

In some instances, in order to adequately mitigate the impacts of a subdivision on local services and public health and safety, the Commission requires a subdivider to complete extensive offsite improvements to the County road system. Upon completion of the improvements, other subdividers accessing the same County or State roads may benefit from these improvements without sharing the financial burden of the improvements. The Commission desires to implement a program that will provide a fair and reasonable mechanism for reimbursement to subdividers who complete the improvements.

The program will create two primary participants: an “improvements owner” and “latecomer(s).” The improvements owner will be the subdivider who is the first to be required to improve certain transportation infrastructure. The latecomer is the subdivider of any project that would include trip impacts on road sections that are under contract with an improvements owner.

The improvements owner (first subdivider), if it desires to be reimbursed by latecomers, shall negotiate a “Reimbursement Agreement” with the County wherein the subdivider agrees to construct the required offsite improvements and the County agrees that in subsequent subdivision projects accessing roads subject to the agreement, it will require latecomers to contribute financially directly to the improvements owner if the TIS identifies impacts to roads subject to the agreement.

The latecomer would be required to complete a TIS, identify the transportation infrastructure their project will affect that is under a Reimbursement Agreement, and include the average trips per day on each road segment.

The components of such an agreement would include the following:

- Term: the contract would be valid for up to 15 years; subdividers coming in on project roads during this time period would be required to contribute financially to the improvement owner;
- Every subsequent subdivider would be required to complete a detailed TIS or complete a detailed summary of probable impacts (see above);
- Identify with particularity the specific transportation infrastructure being improved;
- Identify the projected costs of the improvements;
- Identify the total trips generated by the subdivision and the trips on each project road segment;
- Percentage of the total cost for each road segment improvement;
- Percent of total costs request for reimbursement; and
- Percent to be required of each latecomer for reimbursement to improvement owner.

Other issues related to the PR include:

- Which areas of the County will be covered by the PR;
- Timing of completion of infrastructure and latecomer becoming improvement owner;
- How to include an inflationary time value for the financial contributions to the improvements owner;

- Whether to include an administrative fee in the Reimbursement Agreement to administer the program;
- How to identify over the course of the term of the reimbursement agreement the entity owed reimbursements;
- How to address transportation infrastructure during the term of a reimbursement agreement if the road infrastructure becomes deficient;
- Requirements for final plat approval for both improvements owner and latecomers; and
- Others.

This program will be implemented through development of a standard contract, amendments to the Subdivision Regulations, and administrative procedures.

Incentives for Transfer/Purchase of Development Rights/Credits:

As the Commission considers alternative strategies for the Gallatin County Growth Policy Implementation Program, specific transportation and roadway improvement incentive programs should be created to encourage the use of Transfer/Purchase of Development Rights/Credits to facilitate residential development in the identified growth areas of the county.